

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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EMILIANO PEREZ, as Administrator of the
Estate of JUAN RENE JAVIER PEREZ,

07 CIV 8780 (CLB)

Plaintiff,

-against-

TOWN OF BEDFORD, TOWN/VILLAGE
OF MT. KISCO, and GEORGE BUBARIS,
individually,

Defendants.

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**DECLARATION IN SUPPORT
OF MOTION TO QUASH AND
FOR PROTECTIVE ORDER**

LEWIS R. SILVERMAN, an attorney duly licensed to practice law in the United States District Court for the Southern District of New York, hereby deposes and says, subject to the penalties of perjury:

1. I am a partner with the law firm of RUTHERFORD & CHRISTIE, LLP attorneys for the Defendant GEORGE BUBARIS ("Defendant"). As such, I am fully familiar with the facts and circumstances of this matter based upon my review of the file maintained by my office.
2. This declaration is submitted in support of the Defendant's a) Motion, pursuant to Fed. R. Civ. Pro. 45(3)(iii) to Quash the plaintiff's subpoena for the production of Edward W. Hayes, Esq.; b) for a protective order, pursuant to Fed. R. Civ. Pro. 26 (c)(1)(A) to prevent the testimony of Mr. Hayes on the basis that any information possessed by Mr. Hayes is protected by attorney-client privilege and for such other and further relief as this Court deems just and proper.

3. Annexed hereto as Exhibit "A" is a copy of the subpoena served by plaintiff's counsel.

Dated: New York, New York
June 25, 2008

Respectfully submitted,

RUTHERFORD & CHRISTIE, LLP

By: 

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TO: LOVETT & GOULD, LLP
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Attention: James A. Randazzo, Esq.